

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. 2001-216
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
WILLIAM P. JOHNSON AND RANCHO CALIFORNIA HIGHLANDS II, LLC
VIOLATIONS
OF
CALIFORNIA WATER CODE §§ 13267, 13383, AND 13376
AND
STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 99-08-DWQ

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on 12 December 2001, to hear evidence and comments on the allegations contained in Amended Complaint No. 2001-187, dated 15 August 2001, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$100,003 finds as follows:

1. William P. Johnson and Rancho California Highlands II, LLC own the 33.4 acre property described as "Rancho California Highlands II" located near Ynez Road and Tierra Vista Road, Temecula California.
2. William P. Johnson and Rancho California Highlands II, LLC began construction activity at the Rancho California Highlands II site on 01 February 2000.
3. The State Water Resources Control Board (hereafter State Board) adopted *Order No. 92-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* on 20 August 1992 to address storm water discharges from construction activity resulting the soil disturbance of five acres or more. On 19 August 1999, the State Board updated Order No. 92-08-DWQ with *Order No. 99-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* (Construction Storm Water Permit).
4. William P. Johnson filed a Notice of Intent (NOI) to comply with State Board *Order No.*

Therefore, William P. Johnson and Rancho California Highlands II, LLC violated Water Code section 13376 from 01 February 2000 to 19 January 2001 for a total of 351 days.

5. On 27 December 2000, the Regional Board pursuant to Water Code section 13267 and 13383 directed William P. Johnson and Rancho California Highlands II, LLC to submit a technical report to the Regional Board by 19 January 2001. William P. Johnson and Rancho California Highlands II, LLC failed to submit an adequate report to the Regional Board until 11 October 2001, resulting in 264 days of violation of Water Code sections 13267 and 13383.
6. William P. Johnson and Rancho California Highlands II, LLC negligently discharged sediment laden storm water runoff from the Rancho California Highlands II site to Murrieta Creek on 06 December 2000, and 11 and 12 January 2001 without submitting a report of waste discharge resulting in three days of violation of Water Code section 13376.
7. William P. Johnson and Rancho California Highlands II, LLC negligently discharged sediment laden storm water runoff to Murrieta Creek in violation of State Board Order No. 99-08-DWQ section A.2 on 24 January 2001, 22, 25, and 27 February 2001 resulting in four days of violation of Water Code section 13376.
8. William P. Johnson and Rancho California Highlands II, LLC negligently failed to implement and or maintain Best Management Practices (BMPs) in violation of State Board Order No. 99-08-DWQ section C.2 on 24 January 2001, 15, 22, 25, 27 and 28 February 2001, resulting in six days of violation of Water Code section 13376.
9. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing and described in greater detail in *California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained In Amended Complaint No. 2001-187, William P. Johnson and Rancho California Highlands II, LLC, 10 October 2001* supports assessment of civil liability pursuant to Water Code section 13385 in the amount of \$100,003 as follows:
 - \$65 per day for failing to file a NOI for 351 days of violation of Water Code section 13376 for a total of \$22,815;
 - \$4.50 per day for failing to submit the technical report for 264 days of violation of Water Code sections 13267 and 13383 for a total of \$1,188;

9. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 13389 of the California Water Code.

IT IS HEREBY ORDERED that civil liability is imposed on William P. Johnson and Rancho California Highlands II, LLC in the amount of one hundred thousand and three dollars (\$100,003) and that the rationale for the assessment contained in *California Regional Water Quality Control Board, San Diego Region, Technical Analysis, Proposed Administrative Civil Liability Contained In Complaint No. 2001-187, William P. Johnson and Rancho California Highlands II, LLC, 10 October 2001* is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on 12 December 2001.



JOHN H. ROBERTUS
Executive Officer